

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.16428 of 2004

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Date: 12-7-2006

Between:

Nallapati Siva Rama Chandra Sekhar
And 22 others

.. Petitioners

And

The Branch Manager, State Bank of India,
Jonnalagadda Branch, Jonnalagadda,
Narasaraopet Mandal, Guntur District
And another

.. Respondents

ORDER:

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The writ petitioners sought for not deducting the crop insurance premium from the crop loan amount to be advanced to the writ petitioners at 1% to 8.5% for kharif and rabi seasons of 2004-2005 without the consent of the borrowers.

Pending the writ petition, an interim direction was granted by this Court in W.P.M.P. No.21421 of 2004 on 14-9-2004 that without consent of the petitioners for deduction of the insurance premium, the respondent bank shall not deduct insurance premium from the loans sanctioned to the petitioners. The interim direction continued to be in force and in the meanwhile, the disbursement of the crop loans in question or the absence of it must have already happened.

None appeared for the writ petitioners, while Sri Deepak Bhattacharjee, learned counsel for the first respondent bank has submitted that any final order passed herein may not prejudice the rights and contentions of his client about the liability of the farmers, to whom crop loans are advanced, to submit themselves to the deduction of the crop insurance premium as per the National Agricultural Insurance Scheme.

As the writ petitioners do not appear to be further interested in prosecuting this writ petition after obtaining the interim orders in their favour, and as the relief prayed for was confined to the agricultural year 2004-2005, the infructuous writ petition need not be kept pending further and it would suffice, in the interests of

justice, to make it clear that the questions raised in the writ petition are left open to be decided in an appropriate proceeding, to which the parties may take recourse to, in future.

Accordingly, the writ petition is dismissed as infructuous without costs and the questions in issue in the writ petition are left open to be determined on merits in an appropriate legal proceeding, to which the parties may take recourse to, in future, should they be so advised and should such necessity arise.

G. BHAVANI PRASAD, J

Date: 12-7-2006

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